



Becky S. Byer

Register in Probate
Clerk of Juvenile Court
Phone 715/536-0342
E-mail becky.byer@wicourts.gov

Sherrie Zortman

Deputy
Phone 715/539-1041
E-mail sherrie.zortman@wicourts.gov

Lincoln County Courthouse
1110 E. Main Street, Merrill, WI 54452

**Limited Minor Guardianship
Guidelines**

NOTE: This guideline is provided only as a public service and is not meant to be legal advice. The Register in Probate office cannot give legal advice; please contact an attorney if you have legal questions.

*The duties and authority of a full guardian shall apply to a limited guardian to the extent relevant to the duties or authority of the limited guardian, except as limited by the order of appointment. The court may limit the authority of a guardian with respect to any power to allow the parent to retain such power to make decisions as is within the parent's ability to exercise effectively and may limit the physical custody of a guardian to allow shared physical custody with the parent if shared physical custody is in the best interests of the child. **The court shall set an expiration date for a limited guardianship order, which may be extended for good cause shown.***

****A Limited Guardianship is appropriate when the parent(s) needs assistance in providing care, custody, and/or control of the child.****

Step I: Filing the Action

► Petition for Appointment of Guardian (Form JN-1501)

Any person, including a child 12 years of age or over on his or her own behalf, may petition for the appointment of a guardian for a child.

At the time a *Petition for Appointment of Guardian (Limited)* is filed, **the petitioner is required to pay a \$200 deposit** for Guardian ad Litem Fees to the Clerk of Juvenile Court.

If there is a CHIPS or JIPS action pending, a petition may be filed by any party to the pending action or any person approved by the court if the petition is consistent with the goals of the permanency plan and does not change the requirements of any current court order.

The petition shall be completely filled out prior to filing. Any petition that is incomplete or does not contain all of the information requested will not be accepted for filing.

If the petitioner is requesting a limited guardianship, the facts and circumstances establishing that the child's parents need assistance in providing for the care, custody, and control of the child and a statement of the specific duties and authority sought by the petitioner for the proposed guardian and the specific parental rights and duties that the petitioner seeks to have transferred should be included in the petition.

Upon the filing of a *Petition for Appointment of a Guardian (Limited)*, the Juvenile Clerk will assign a hearing date and time to the case. The hearing on a *Petition for Appointment of Guardian (Limited)* must be held within 45 days of filing.

The Clerk of Juvenile Court will complete the *Notice of Hearing* and submit it to the assigned judge for signature. A copy of the signed *Notice of Hearing* will be provided to the petitioner to serve on the interested parties.

Once the hearing date and time has been established, the Clerk of Juvenile Court will assign a Guardian ad Litem to the case and prepare the *Order Appointing Guardian ad Litem or Attorney* for the Judge to sign.

The Clerk of Juvenile Court will provide a signed copy of the *Order Appointing Guardian ad Litem or Attorney* to the petitioner, and will make sure that the assigned attorney gets all of the paperwork that they need to fulfill their duties as Guardian ad Litem.

► **Statement by Proposed Guardian (Form JN-1512)**

The proposed guardian and any proposed successor guardian shall complete and submit to the court at least 96 hours prior to the hearing the *Statement by Proposed Guardian*. The proposed guardian's signature on the *Statement by Proposed Guardian* shall be notarized.

Step II: Notifying the Parties

► **Affidavit of Service (Form JD-1825)**

The petitioner shall serve all interested parties with a copy of the *Petition* and the *Notice of Hearing* at least 7 days before the hearing is scheduled.

Upon serving the interested with a copy of the *Petition* and *Notice of Hearing*, the petitioner shall complete an *Affidavit of Service (Chapter 48 and 938)* form. The *Affidavit of Service* shall contain the name and address of the interested person and the type of service used to notify them of the proceedings. This form should be filed with the Clerk of Juvenile Court prior to the court hearing.

Step III: Preparing for the Hearing

► **Letters of Guardianship and Dispositional Order Appointing Guardian (Form JN-1530)**

The petitioner shall complete the *Letters of Guardianship and Dispositional Order Appointing Guardian* and bring it to the hearing to present to the judge for signature.

Step IV: The Hearing

The proposed guardian and any proposed successor guardian shall be physically present at all hearings unless excused by the court. The child is not required to attend.

If the petition is not contested and all parties consent, the court will proceed immediately to fact-finding and disposition.

If any party contests the Petition or requests an adjournment, a contested hearing will be scheduled within 30 days of the initial hearing.

If a contested hearing is scheduled, the Clerk of Juvenile Court will notify the interested parties of the hearing date and time.

Step V: The Final Order

If you are granted guardianship, the Clerk of Juvenile Court will mail you a copy of the *Letters of Guardianship and Dispositional Order Appointing Guardian* within a few days of the hearing.

You should provide a copy of this signed order to the interested parties, the child if he or she is 12 years or older, the Department of Social Services if there is a pending CHIPS or JIPS action, the Child Support Agency if child support was ordered, the child's school if he or she is of school age, the child's medical provider, and any other agency or individual deemed appropriate.

Step VI: Extending the Limited Guardianship

► Request to Modify Guardianship, Extend Limited/Temporary Guardianship, Reconsider/Modify Emergency Guardianship, Terminate Guardianship (Form JN-1540)

A Request to Modify Guardianship, Extend Limited/Temporary Guardianship, Reconsider/Modify Emergency Guardianship, Terminate Guardianship may be filed prior to the expiration of a limited guardianship by any interested party.

Upon the filing of a *Request to Modify Guardianship, Extend Limited/Temporary Guardianship, Reconsider/Modify Emergency Guardianship, Terminate Guardianship* the Clerk of Juvenile Court will schedule a hearing as soon as practicable and send a *Notice of Hearing* to all interested parties.

► Order on Request to Extend Limited/Temporary Guardianship (Form JN-1544)

The petitioner shall complete the *Order on Request to Modify Guardianship* and bring it to the hearing to present to the judge for signature.

If the extension is granted, the Clerk of Juvenile Court will mail you a copy of the *Order on Request to Modify Guardianship* within a few days of the hearing.

You should provide a copy of this signed order to the interested parties, the child if he or she is 12 years or older, the Department of Social Services if there is a pending CHIPS or JIPS action, the Child Support Agency if child support was ordered, the child's school if he or she is of school age, the child's medical provider, and any other agency or individual deemed appropriate.

All of the forms referenced in this *Guideline* can be found on the Wisconsin Court System Website: www.wicourts.gov The Clerk of Juvenile Court DOES NOT provide forms to the public.